REMARKS

In the Final Office Action dated June 29, 2004, the Examiner allowed claims 3, 4, and 14 and rejected claims 1, 2, and 7-13. By this Amendment, Applicants have amended claims 1, 7, 10, and 12, and added new claim 15, taking care not to add any new matter.

Information Disclosure Statements

Applicants have not received initialed 1449 forms for the Information Disclosure Statements filed on October 3, 2002, September 17, 2003, or January 6, 2004. For the Examiner's convenience, Applicants enclose herewith additional copies of the 1449 forms filed with those Statements. Applicants request that the Examiner initial and return the 1449 forms to indicate that he has considered the listed references.

Section 102 Rejections

In the Office Action, the Examiner rejected claims 1, 2, 12, and 13 under 35 U.S.C. § 102(e) as anticipated by Touboul, U.S. Patent No. 6,092,194 ("Touboul '194"). The Examiner also rejected claims 3, 4, 7-11, and 14 under 35 U.S.C. § 102(e) as anticipated by Touboul, U.S. Patent No. 6,154,844 ("Touboul '844").

To anticipate a claim under 35 U.S.C. § 102, the reference must teach every element of the claim. M.P.E.P. § 2131.01 (8th ed. 2001, revised February 2003). Applicants continue to contend that the Examiner has not shown that Touboul '194 teaches every element of claims 1, 2, 12, and 13. For example, the Examiner has not shown a teaching in the reference of using downloaded code to invoke a method on the server, *wherein the downloaded code enforces a set of constraints on the server*, as

-9-

recited in claims 2 and 13. Instead, the Examiner merely alleged that it is inherent that a downloadable disclosed in the reference invokes a method on a server because method invocation is well known in object oriented programming. (Final Office Action, p. 4.)

Furthermore, the Examiner interpreted the claimed set of constraints as reading on the security policies of the reference. Even if this is correct, the security policies of Touboul '194 are used to determine whether to allow or block a Downloadable. (Id.) They are not *enforced by the downloaded code*. Because the Examiner has not shown that Touboul '194 teaches every element of claims 2 and 13, Applicants request the withdrawal of the section 102 rejections of these claims.

Claim 1, as amended, recites a method including the step of determining a set of constraints specified by the client for conducting secure communication with a server via downloaded code. Touboul '194 does not teach such a method. The Examiner stated that the reference teaches a signed certificate appended to a downloadable security profile that indicates if the downloadable is to be trusted and likened this certificate to the claimed set of constraints. (Final Office Action, p. 2.) However, neither the signed certificate nor the security profile is specified by the recipient of the downloadable. Instead, the system of Touboul '194 discloses a security policy that compares data about the downloadable to a list of known hostile downloadables, access control lists, trusted certificates, or trusted URLs. (Id., col. 2, ll. 11-20.) If the Downloadable passes these tests, then it is sent to its intended recipient. (Id., col. 6, ll.

62-65.) The security policy of the reference is unrelated to a set of constraints specified by the client for conducting secure communication with a server.

Amended claim 1 also recites the step of using secure code verified locally by the client to determine whether the downloaded code will enforce the set of constraints. Touboul '194 also fails to teach this element. Instead, the security system of the reference compares a Downloadable ID to a security policy to determine whether to send the Downloadable to its intended recipient. Comparing an identifier of the Downloadable to a security policy to determine whether to send the Downloadable to its intended recipient is unrelated to using *secure code verified locally by the client* to determine whether the downloaded code will enforce the set of constraints. Furthermore, even if the security policy of the reference can be interpreted as the claimed set of constraints, the security policy is enforced by the security system of the reference, not by downloaded code. (Touboul '194, col. 4, II. 45-47.)

Because Touboul '194 fails to teach every element of amended claim 1, the section 102 rejection of claim 1 should be withdrawn.

Claim 12 recites a computer-readable medium containing instructions for controlling a data processing system to perform the method described in claim 1. Therefore, for at least the reasons given above with respect to claim 1, Applicants request the reconsideration and withdrawal of the section 102 rejection of claim 12.

The Examiner relied on Touboul '844 to reject claims 7-11 under 35 U.S.C. § 102(e). However, the reference fails to disclose every element of the claims as amended. For example, claim 7 recites a client program that specifies a set of

constraints for conducting secure communication with the service and a secure verifier that determines whether the proxy will enforce the set of constraints when communicating with the service.

Touboul '844 discloses a system for attaching a security profile to a downloadable to protect computers from hostile downloadables. (Touboul '844, col. 1, ll. 23-27.) In particular, the reference discloses a content inspection engine that generates a downloadable security profile and links it to the corresponding downloadable. (Id., col. 2, ll. 3-9.) A protection engine compares the downloadable security profile to a signed certificate to determine whether to trust the profile. (Id., col. 2, ll. 20-29.) The Examiner likens the security profile of the reference to the claimed set of constraints. However, the security profile of the reference is "a list of all potentially hostile or suspicious computer operations that may be attempted by the Downloadable, and may also include the respective arguments of those operations." (Touboul '844, col. 4, ll. 4-7.) Thus, the security profile of the reference is unrelated to a set of constraints for conducting secure communication with the service. Furthermore, comparing a security profile to a signed certificate is unrelated to verifying that a proxy will enforce security constraints when communicating with a service. Because the Touboul '844 fails to teach every element of amended claim 7, Applicants request the reconsideration and withdrawal of the section 102 rejections of claim 7 and its dependent claims 8-11.

In view of the foregoing amendments and remarks, Applicants respectfully

request reconsideration and continued examination of this application and the timely

allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge

any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 31, 2004   By:

Jeffrey A. Berkowitz
Reg. No. 36,743